Remarks

Reconsideration of the application is respectfully requested in view of the foregoing amendments and following remarks.

Claims 1-60 are pending.

In the Office action dated October 29, 2003 ["Office action"], the Examiner rejected claims 1-45 under various grounds. Applicant respectfully disagrees with these rejections and the Examiner's characterizations. Applicant addresses these rejections below.

The Examiner objected to the title, technical field, background, detailed description, abstract, and figures of the application. Applicant respectfully disagrees with these objections and the Examiner's characterizations. Applicant addresses these objections below.

Applicant has added claims 46-60.

I. Initialed Form 1449's

Applicant thanks the Examiner for providing initialed Form 1449's for various Information Disclosure Statements filed in the application. To date, however, Applicant has not received an initialed Form 1449 for the following:

(1) Page 1 (of 2) of the Form 1449 for the IDS filed February 16, 1999 (received by the US PTO on February 22, 1999), which lists among other things U.S. Patent No. 3,427,443.

(2) Page 1 (of 1) of the Form 1449 for the IDS filed January 10, 2000 (received by the US PTO on January 18, 2000), which lists among other things two non-patent references by Aral et al.

(3) Page 1 (of 1) of the Form 1449 for the IDS filed January 19, 2000 (received by the US PTO on February 1, 2000), which lists among other things non-patent references by Keppel and Larus et al.

II. Objections to the Specification

In the Office action, the Examiner raised several objections.

A. Objection to the RELATED APPLICATIONS Section

First, the Examiner objected that the application lacks a CROSS-REFERENCE TO RELATED APPLICATIONS section listing co-pending applications. [Office action, page 3.] Applicant respectfully disagrees with this objection.

MPEP 608.01(a) associates the requirements for a CROSS-REFERENCE TO RELATED APPLICATIONS section with 37 CFR 1.78 and MPEP 201.11, which relate primarily to priority/benefit applications. 37 CFR 1.78(a)(2) does indicate, however, "Cross references to other related applications *may be made* when appropriate (see § 1.14)." [Emphasis added.]

The "Related Application Data" section of the present application references the U.S. provisional patent application from which the present application claims benefit. The present application does not claim priority to any of the various other non-provisional patent applications filed on the same day as the present application. Listing such other applications is not required, and Applicant respectfully requests withdrawal of this objection.

B. Objection to the FIELD OF THE INVENTION Section

' Second, the Examiner objected that the FIELD OF THE INVENTION section of the present application "does not clearly specify the claimed invention." [Office action, page 3.] Applicant respectfully disagrees with this objection.

According to MPEP 608.01(a), the FIELD OF THE INVENTION (or Technical Field) section should be "A statement of the field of art to which the invention pertains." Applicant submits that the current "Technical Field" section satisfies the criteria set forth by the MPEP 608.01(a). Since it is not the purpose of the "Technical Field" section to "clearly specify the claimed invention" (as suggested by the Examiner), Applicant respectfully requests withdrawal of this objection.

C. Objection to the Description for Figures 1-3

Third, the Examiner objected that the "description of prior art figures 1-3 and all the known prior art of the 'DETAILED DESCRIPTION OF THE INVENTION' section ... needs to be moved into" the background of the application. [Office action, page 3.] Applicant respectfully disagrees with this objection and the Examiner's characterization of Figures 1-3. According to the application at page 8, lines 14-19, for example:

> Figure 1 is a diagram of a distributed computing environment in which the present invention can be implemented.
> Figure 2 is a block diagram of a computer system that can be used to implement the present invention.
> Figure 3 is a block diagram of a Microsoft Component Object Model software component that can be used to implement the present invention.

As described below in section V, Applicant has amended Figures 1-3 to address a separate objection to those Figures. Applicant respectfully requests withdrawal of the objection to the description for Figures 1-3.

D.   Objection to the Background Section

Fourth, the Examiner objected that the Background "does not contain necessary known prior art information considering the supplied IDS material." [Office action, page 3.] Applicant respectfully disagrees with this objection.

Applicant recognizes that MPEP 608.01(c) suggests that the background should include a "[d]escription of the related art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98." Applicant notes that the present application as filed already includes a five-page background section in which the Applicant addresses various material, including the DCOM and CORBA distributed object systems and the ICOPS, CAGES, and IDAP systems. Applicant does not understand any patent statute, patent regulation, or the MPEP to require (1) mentioning every reference cited under 37 CFR 1.97 and 37 CFR 1.98 in the background, or (2) updating the background by amendment to mention material cited after the filing of a patent application. Applicant respectfully requests withdrawal of this objection.

III.   Objection to the Title

The Examiner objected to the title of the application as being "not descriptive." [Office action, page 3.] Applicant respectfully disagrees with this objection. Nonetheless, Applicant has amended the title in an effort to expedite prosecution. Applicant notes that the title in no way limits the scope of any given claim. Rather, the language of each of the respective claims speaks for itself. Applicant respectfully requests withdrawal of the objection to the title.

IV.   Objection to the Abstract

The Examiner objects that the abstract of the application is improper "because it does not contain computer terminology and is not properly understood. Key terms involved in the invention like IDL, DLL and distributed system components of the invention are missing in the abstract. Also, the abstract does not clearly state the goal of the invention." [Office action, page 4.] Applicant respectfully disagrees with this objection and the Examiner's characterizations. Nonetheless, Applicant has amended the abstract in an effort to expedite prosecution. Specifically, Applicant has

added the terms "COM," "DLL" and "IDL," and added language addressing a possible goal in some embodiments. Applicant has also cut language to meet the 150-word limit for abstracts. Applicant respectfully requests withdrawal of the objection to the abstract.

V. Objection to the Drawings

The Examiner objected that "Figures 1-3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated." [Office action, pages 4-5.] Applicant has amended Figures 1-3 to address the Examiner's concern. Applicant has also amended Figure 4. Specifically, Applicant has made the following changes.

As amended, Figure 1 includes the language "Distributed Computing Environment 1 for Application Partitioned and Distributed by ADPS with Network-Independent Profiling of Applications." This language comes from the description of Figure 1 in the application as filed. [*See, e.g.*, Application, pages 8, 10-11.] This change to Figure 1 does not introduce new matter.

As amended, Figure 2 includes the language "Computer System 5 with ADPS with Network-Independent Profiling of Applications." This language comes from the description of Figure 2 in the application as filed. [*See, e.g.*, Application, pages 8, 12-14.] This change to Figure 2 does not introduce new matter.

As amended, Figure 3 includes the language "COM Component 60 for Application Partitioned and Distributed Using ADPS with Network-Independent Profiling of Applications." This language comes from the description of Figure 3 in the application as filed. [*See, e.g.*, Application, pages 8, 14-18.] This change to Figure 3 does not introduce new matter.

As amended, Figure 4 includes the language "Distributed Computing Environment with Client and COM Component for Application Partitioned and Distributed Using ADPS with Network-Independent Profiling of Applications." This language comes from the description of Figure 4 in the application as filed. [*See, e.g.*, Application, pages 8, 18-21.] This change to Figure 4 does not introduce new matter.

Applicant respectfully requests withdrawal of the objection to the Figures.

VI. Amendments to Correct Errors of a Minor, Typographical Nature.

Applicant has amended the specification in various places to correct errors of minor, typographical nature. The corrections to reference numerals address inconsistencies with the Figures and surrounding description.

B.   Claims 1-15 and 19 Should Be Allowable

Although the Examiner has not rejected claims 1-15 and 19 under 35 USC § 103 and has not provided a motivation to combine the different systems described in the background, the Examiner has mapped features from the different systems to claim 1. Applicant will address this putative § 103 rejection of claim 1.

Claim 1 recites "a type file describes the interfaces of the plural units," "generating a structural metadata description of the application from the type file, wherein the structural metadata description comprises compiled interface-level type description" and "profiling the application using the structural metadata description."

ICOPS, CAGES, and IDAP, taken separately or in combination, do not teach or suggest the above-cited language of claim 1. ICOPS generates metadata by compiling application source code [*see* Application, pages 4-5], which leads directly away from generating a structural metadata description from a type file, as recited in claim 1. The IDAP system includes software for generating an instrumented version of an application for profiling [*see* Application, pages 4-5], which leads away from first generating a structural metadata description from a type file and then using the description in profiling the application, as recited in claim 1. The CAGES system does not support generating metadata from a type file or profiling with such generated metadata [*see* Application, page 4], and also leads away from the above-cited language of claim 1.

It appears from the Office action that the Examiner may be modifying the ICOPS, IDAP, or CAGES system with some feature of DCOM, CORBA, or another technology to create a system with "generating a structural metadata description from a type file." [*See* Office action, page 7.] Such a modification would be improper, as it would change the principle of operation of the ICOPS, IDAP, or CAGES system. [*See* MPEP 2143.01.]

In view of the foregoing discussion regarding claim 1, Applicant will not belabor the merits of the separate patentability of claims 2-15 and 19. Claims 1-15 and 19 should be allowable.

Conclusion

The claims in their present form should now be allowable. Such action is respectfully requested.

Respectfully submitted,

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